

## **Chapter 10 - MUNICIPAL COURT**

### **Section 10.01 JURISDICTION.**

(a) The Municipal Court has exclusive jurisdiction over an action in which the Town seeks to impose forfeitures for violations of Town Ordinances, except as follows:

- (1) If the action is transferred under sec. 800.04(1) or 800.05(3), Wis. Stats. to a court of record.
- (2) If equitable relief is demanded the plaintiff shall bring the action in a court of record.

(b) The Municipal Judge may issue civil warrants to enforce matters which are under the jurisdiction of the Municipal Court.

(c) The Municipal Judge is authorized to issue inspection warrants under sec. 66.0119, Wis. Stats.

(d) The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both. The judge shall use the restitution procedure under section 800.093 of the Wisconsin Statutes.

State Law Reference: Section 755.045, Wis. Stats.

### **Section 10.02 TERRITORIAL JURISDICTION.**

The Municipal Judge has county-wide jurisdiction.

State Law Reference: Section 755.05, Wis. Stats.

### **Section 10.03 SESSIONS OF COURT.**

The court shall hold sessions at such time as determined by the Municipal Judge.

State Law Reference: Section 755.06, Wis. Stats.

#### **Section 10.04 OFFICE OF MUNICIPAL COURT.**

(a) The Municipal Judge shall hold court in the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

(b) The judge may issue process or perform ministerial functions at any place in the county.

State Law Reference: Section 755.09, Wis. Stats.

#### **Section 10.05 EMPLOYEES.**

(a) The judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Town Board.

(b) The salaries of the clerks and deputy clerks shall be fixed by the Town Board.

(c) The Clerk shall, before entering upon the duties of his or her office, take the oath provided by section 19.01 and give a bond if required by the Town Board.

(d) The cost of the bond shall be paid by the Town.

(e) Oaths and bonds of the clerk shall be filed with the Town Clerk.

State Law Reference: Section 755.11, Wis. Stats.

#### **Section 10.06 COURT PAPERS**

The judge shall file and keep together all papers in any action, separate from all other papers.

State Law Reference: Section 755.11, Wis. Stats.

#### **Section 10.07 DELIVERY OF BOOKS TO TOWN CLERK.**

(a) If the Municipal Court ceases to operate, the court records, books of account, case files, monies and bonds belonging to the court shall be delivered to the Town Clerk within 10 days after the vacancy occurs by the person who is in possession.

(b) If any materials should be delivered to the Town Clerk under paragraph (a) are not delivered within the time specified, the Town Clerk shall demand their delivery and may by action compel delivery.

(c) When the Town Clerk receives the court records, books of account and case files of the Municipal Court which has ceased to operate, he or she shall, within 10 days, dispose of them as follows:

1. Deliver them to the Clerk of the Circuit Court of Rock County.
2. For any pending or appealable cases, the bail shall be delivered along with the case file to the Rock County Clerk of Courts.

State Law Reference: Section 755.17, Wis. Stats.

#### **Section 10.08 DECORUM IN MUNICIPAL COURT.**

(a) The Municipal Judge shall be properly attired in a robe or other suitable clothing when officially presiding in Municipal Court.

(b) The courtroom for the Municipal Judge shall be provided by the Town which shall be in the Turtle Community Center, 6916 S. County Road J, Beloit, Wisconsin 53511.

State Law Reference: Section 755.18, Wis. Stats.

#### **Section 10.09 MUNICIPAL JUDGE TRAINING.**

(a) The Municipal Judge shall participate in the program of Continuing Judicial Education as required by the Wisconsin Supreme Court.

(b) The Town shall bear the cost of such programs.

State Law Reference: Section 755.18, Wis. Stats.

#### **Section 10.10 COURT PROCEEDINGS PUBLIC.**

(a) The proceedings of the Municipal Court shall be public and every citizen may freely attend the same, except if otherwise expressly provided by law.

(b) When a cause of a scandalous or obscene nature is on trial in the court, the Municipal Judge may exclude from the room where the court is sitting all minors not necessarily present as parties or witnesses.

State Law Reference: Section 757.14, Wis. Stats.

#### **Section 10.11 MUNICIPAL COURT PROCEDURE.**

Municipal Court procedure shall be conducted pursuant to Chapter 800 of the Wisconsin Statutes.

State Law Reference: Chapter 800, Wis. Stats.

#### **Section 10.12 ELECTION OF CITATION METHOD OF ENFORCEMENT OF TOWN ORDINANCES.**

Pursuant to sec. 66.0113, Wis. Stats., the Town Board of Supervisors of the Town of Turtle, Rock County, Wisconsin, hereby elects to use the citation method of enforcement of Town ordinances including those for which a statutory counterpart exists. The form of the citation shall conform to the provisions of sec. 800.02, Wis. Stats.

State Law Reference: Section 66.0113(4), Wis. Stats.

#### **Section 10.13 RELATIONSHIP TO OTHER LAWS.**

The adoption and authority for use of a citation under this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does preclude the issuance of a citation under the ordinance.

State Law Reference: Section 66.0113(4), Wis. Stats.

#### **Section 10.14 SCHEDULE OF DEPOSITS.**

(a) The schedule of cash deposits for use with citations issued under the Town ordinances for traffic offenses shall follow the State of Wisconsin Revised Uniform Traffic Deposit Schedule.

(b) The schedule of cash deposits for use with citations issued under the Town ordinances for no-traffic offenses shall be a Deposit Schedule adopted by the Town Board of Supervisors.

(c) The cash deposit shall include the forfeiture plus any applicable penalty assessment imposed by section 757.05 of the Wisconsin Statutes, any applicable jail assessment imposed by section 302.46(1) of the Wisconsin Statutes, the crime laboratories and drug law enforcement assessment imposed by section 165.755 of the Wisconsin Statutes, any applicable consumer information assessment imposed by section 100.261 of the Wisconsin Statutes, any applicable domestic abuse assessment imposed section 973.055(1) of the Wisconsin Statutes, and court costs.

(d) Deposits shall be made in cash, money order or certified check to the Town of Turtle Municipal Court. The Municipal Court shall accept the deposit and provide a receipt.

State Law Reference: Chapter 800, Wis. Stats.

### **Section 10.15 ISSUANCE OF CITATION.**

- (a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.
- (b) **Town Officials.** The following Town officials may issue citations with respect to those specified Ordinances which are directly related to their official responsibilities:
  - Zoning Administrator
  - Building Inspector
  - Superintendent of Highways
  - Chief of the Fire Department
- (c) **Delegated Authority.** The Town officials named in subsection (b) above may delegate their authority to issue citations to their subordinates or law enforcement officers, provided such delegation is authorized by the Town Board.

### **Section 10.16 VIOLATOR'S OPTIONS; PROCEDURE ON DEFAULT.**

Section 66.0113(3), Wis. Stats., relation to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

State Law Reference: Section 66.0113(3), Wis. Stats.

## **Section 10.17 PENALTY PROVISIONS.**

(a) **General Penalty.** Except as otherwise provided, any person who shall violate any of the ordinances of the Town of Turtle shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(1) First Offense. Any person who shall violate any ordinance of the Town of Turtle subject to a penalty shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(2) Second Offense. Any person found guilty of violating any ordinance of the Town of Turtle who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$200 nor more than \$500 for each such offense, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(3) Third and All Subsequent Offenses. Any person found guilty of violating any ordinance of the Town of Turtle who has previously been twice convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$300 nor more than \$500 for each such offense, together with any applicable assessments imposed by Wisconsin Statutes and court costs.

(4) Failure to Pay. If any person fails to pay any forfeiture assessments, and court costs, the court may make any order for noncompliance authorized by section 800.095(5) of the Wisconsin Statutes including imprisonment not to exceed 90 days.

(b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(c) **Other Remedies.** The Town of Turtle shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

## **Section 10.18 COLLECTION AGENCY.**

The municipal court, with the approval of the Town Board, may contract with a collection agency for the collection of unpaid forfeitures, assessments, and surcharges under sec. 66.0114(a), Wis. Stats. The contract shall provide that the collection agency shall be paid from the proceeds recovered by the collection agency. The Net proceeds that the municipal court receives after the payment to the collection agency shall be considered the amount of forfeitures, assessments, and surcharges collected for distribution under 66.011(4)(bm) and (3)(b) and (c), Wis. Stats.

State Law Reference: Section 755.21. Wis. Stats.